

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICARDO LITTLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 24-CV-01748-SPM

MEMORANDUM AND ORDER

McGLYNN, District Judge:

Petitioner Ricardo Little, an inmate currently incarcerated at McDowell Federal Correctional Institute in Welch, West Virginia, brings the instant action to Vacate, Correct, or Set Aside Sentence pursuant to 28 U.S.C. § 2255. (Doc. 1). He alleges one count of ineffective assistance of counsel. (*Id.*). The case is now before the Court for a preliminary review of the Petition pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts.

On October 27, 2021, the United States filed a one-count Criminal Complaint charging Ricardo Little and Ricosha Young with knowing and intentional possession with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(viii). *See United States v. Little*, 21-cr-30178-SPM (S.D. Ill. 2024) (Doc. 1). Little pleaded guilty via a plea agreement on April 18, 2023. *See id.* (Doc. 86). On July 26, 2023, he was sentenced to 100 months in prison followed by four years of supervised release. *See id.* (Doc. 114). Ricosha Young pleaded guilty via a plea

agreement on September 5, 2023 and was sentenced on January 4, 2024 to 135 months in prison followed by five years of supervised release. *See id.* (Docs. 117, 130).

Little filed the instant Petition attacking his sentence on July 19, 2024. (*See* Doc. 1). He argues that his appointed counsel, Assistant Federal Public Defender Daniel G. Cronin, was ineffective for failing to file a motion challenging the laboratory techniques used to determine the purity level of the methamphetamine seized in this case. (*See id.*, p. 4).

Little thus raises one issue: whether or not his counsel was ineffective. (*Id.*) Without commenting on the merits of the claim, the Court concludes that the Petition survives preliminary review under Rule 4(b). Given the limited record, it is not plainly apparent that Little is not entitled to relief pursuant to 28 U.S.C. § 2255.

DISPOSITION

IT IS HEREBY ORDERED that Respondent United States of America shall answer or otherwise plead on or before August 22, 2024. This preliminary order to respond does not preclude the Government from raising any objection or defense it may wish to present.

Little is **ADVISED** of his continuing obligation to keep the Clerk of Court (and opposing parties) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than fourteen (14) days after a transfer or other change in address occurs. *See* Local Rule 3.1(b)(2). Failing to provide such notice may result in dismissal of this action. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

DATED: July 23, 2024

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge